

Response to Comments

Introduction

The Los Angeles County (“County”) Department of Regional Planning (DRP), acting in the capacity of “Lead Agency” under the County Environmental Guidelines, Chapter III, Section 304, has prepared an Initial Study – Mitigated Negative Declaration (IS-MND) for the Estrella Solar Project. The 30- day review period commenced on July 26, 2021, and ended on August 26, 2021. The review period gave agencies, organizations, and members of the public the opportunity to review the IS-MND and provide comments on the document and the environmental analysis presented therein. During the review period, the County received seven letters commenting on the IS-MND. One comment was received after the public review period and has been included in the response to comments document.

Comments Received

County DRP received comments (verbal or written in an email) and formal comments letter from seven commenters on the IS/MND during the public review period. One comment was received after the public review period and has been included in the response to comments document. Topics included aesthetics, agriculture resources, air quality/greenhouse gases, biological resources, energy, noise, and public services. Table 1 lists the agencies, organizations, and interested parties that provided comments or comment letters. Each comment letter has been assigned a letter (e.g., Comment Letter A) and each issue that was raised within the comment letter has been assigned a consecutive number that corresponds to a response number (e.g., Response to Comment A-1).

Table 1. Agencies, Organizations, and Interested Parties that Submitted Comments on the Draft IS/MND

IS-MND Comment Letters	Date	Comment Letter and Number(s)
California Department of Conservation, Division of Land Resource Protection	August 12, 2021	Comment Letter A and Number A-1
California Department of Fish & Wildlife	August 23, 2021	Comment Letter B and Numbers B-1 through B-3
Antelope Valley Air Quality Management District	August 17, 2021	Comment Letter C and Number C-1
National Audubon Society	August 26, 2021	Comment Letter D and Numbers D-1 through D-3
Judith Fuentes	August 2, 2021	Comment Letter E and Numbers E-1 through E-5.
Merrylou Nelson	August 4, 2021	Comment Letter F and Numbers F-1 through F-7.
Rose Bryan	August 4, 2021	Comment Letter G and Numbers G-1 through G-3.

IS-MND Comment Letters	Date	Comment Letter and Number(s)
Acton Town Council	September 29, 2021; October 14, 2021	Comment Letter H and Number H-1 through H-4.

Comment Letters and Response to Comments

Comment	Comment Summary	Response
Letter A – California Department of Conservation Division of Land Resource Protection		
A-1	<p>This comment states that feasible alternatives and/or feasible mitigation measures must be considered to reduce a project's impacts to agricultural land. The DOC advises the use of permanent agricultural conservation easements on land of at least equal quality and size as partial compensation for the loss of agricultural land. The comment identifies mitigation via agricultural conservation easements can be implemented through two alternative approaches: the outright purchase of easements or the donation of mitigation fees to a local, regional, or statewide organization or agency whose purpose includes the acquisition and stewardship of agricultural conservation easements. The comment notes replacement lands should not be limited to lands within the project's surrounding area.</p>	<p>County DRP received your letter dated August 12, 2021 regarding the IS/MND for the proposed project. As identified in the IS/MND, it is no longer economically feasible to irrigate the project site for farming operations. The IS/MND includes MM AGR-1 which would ensure the project site is restored to conditions such that agriculture would be feasible if water becomes available in the future.</p> <p>In determining whether the project will create environmental impacts to agricultural resources, we are guided by CEQA Guidelines, Appendix G, the California Department of Conservation's FMMP mapping system, the United States Department of Agriculture Soil Classification Service (NRCS) soil type classifications, and the California Department of Conservation Land Evaluation and Site Assessment (LESA) Model.</p> <p>The LESA Model provides us with an optional methodology to evaluate the impacts of agricultural land conversion. (Pub. Res. Code, § 21095). We are not bound by the LESA Model and its thresholds. Sole reliance on the LESA Model would preclude the necessary task of evaluating the totality of facts and circumstances regarding water availability, quality, and the viability of agricultural production on the project site. Moreover, we recognize that subjective interpretation and weighing of the evidence can yield different results under the LESA Model even when performed by experienced and knowledgeable individuals. Much of the agricultural land in the western Antelope Valley has been retired and groundwater levels have begun to recover. If alfalfa production was to resume on this retired land, over pumping would continue and an additional reduction of the groundwater rights would likely be implemented under the Antelope Valley Area of Adjudication. This additional reduction would affect how much land could be used for agricultural production. Based on all the foregoing discussion, it could have been</p>

Comment	Comment Summary	Response
		<p>determined that strict adherence to the LESA model and the 1:1 mitigation ratio in this instance would require mitigation that outweighs and is broader in scope than the potential farmland conversion impacts.</p> <p>MM AGR-1 was revised to include that implementation of the Decommissioning Plan and Site Restoration Plan would restore the site to conditions such that agriculture would be feasible if water becomes available in the future. If the property is no longer required to be farmland (and the project is in compliance with CEQA), the permittee can submit a request to the DRP and DPW to revise the Decommissioning Plan and Restoration Plan.</p> <p>Furthermore, the project site encompasses a small percentage of total agricultural land within the Antelope Valley. The project would involve minimal ground disturbance and no permanent structures would be constructed on the project site. Implementation of mitigation would result in less than significant impacts.</p>
Letter B – CDFW		
B-1	<p>This comment identifies that the project would impact Swainson’s hawk and expresses concern that mitigation measures proposed by the County to mitigate for impacts on Swainson’s hawk may not reduce impacts to less than significant. The comment notes that given that Swainson’s hawks use the Project site to forage, buildout of the Project would result in the permanent loss of approximately 149 acres of functional Swainson’s hawk foraging habitat in the Antelope Valley.</p>	<p>Mitigation measure MM BIO-1 has been revised in the Final IS/MND to require a mitigation ratio of 1:1 for functional foraging habitat. The term “replacement land” has been replaced with functional foraging habitat. Furthermore, the County is working with Audubon Society and Transition Habitat Conservancy to identify the most suitable areas for conservation to implement MM BIO-1 that would offer high quality, functional foraging habitat for existing active nests, adjacent to other conserved lands. The mitigation measure also indicates that in order to mitigate for the loss of foraging habitat for Swainson’s hawk, tricolored blackbird, and other special status migratory and resident birds, mitigation lands will be acquired prior to issuance of the building permit. The Permittee shall provide proof that the mitigation lands have been acquired to the County of Regional Planning upon request.</p>

Comment	Comment Summary	Response
B-2	The comment identifies that breeding pairs of Swainson's hawks are critical to conserving the species and preventing the population to become less than self-sustaining. Loss of native foraging and breeding grounds would contribute to population decline. The comment notes that the proposed project would convert 149 acres of functional foraging habitat to a landscape unsuitable for use by breeding Swainson's hawks, which could potentially cause an already small, isolated, and vulnerable wildlife population to drop below self-sustaining levels; threaten to eliminate an animal community; and substantially reduce the number or restrict the range of an endangered, rare, or threatened species.	Mitigation measure MM BIO-1 has been revised in the Final IS/MND to require a mitigation ratio of 1:1 for functional foraging habitat. Please see response to comment B-1.
B-3	The comment states none of the mitigation measures provide specific performance standards as to how the County would determine that the replacement habitat would benefit Swainson's hawks and the mitigation measures do not specify when the County would require mitigation. The comment identifies this information is requested per CEQA Guidelines, §15126(a)(4)(B) and § 15126(a)(2).	Mitigation measure MM BIO-1 has been revised in the Final IS/MND to require a mitigation ratio of 1:1 for functional foraging habitat. The mitigation measure also indicates that in order to mitigate for the loss of foraging habitat for Swainson's hawk, tricolored blackbird, and other special status migratory and resident birds, mitigation lands will be acquired prior to issuance of the building permit. The Permittee shall provide proof that the mitigation lands have been acquired to the County of Regional Planning upon request.
Letter C – Antelope Valley Air Quality Management District		
C-1	The comment indicates that the Antelope Valley Air Quality Management District (District) received the Estrella Solar Project IS-MND. The District notes that it has reviewed the IS-MND and concurs with the proposed analysis of the air	The comment is noted and appreciated.

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	quality impacts associated with the project including the requirements outlined in District Rule 403 – Fugitive Dust. The District appreciates the focus on fugitive dust issues and that the project will include submittal and approval of a Dust Control Plan prior to initiating construction.	
Letter D – National Audubon Society		
D-1	The comment indicates that the National Audubon Society received the IS-MND and is interested in MM BIO-1 Habitat-Based Mitigation as it relates to nesting and foraging Swainson’s hawk.	Mitigation measure MM BIO-1 has been revised in the Final IS/MND to require a mitigation ratio of 1:1 for functional foraging habitat. The term “replacement land” has been replaced with functional foraging habitat. Furthermore, the applicant is working with Audubon Society and Transition Habitat Conservancy to identify the most suitable areas for conservation to implement MM BIO-1 that would offer high quality, functional foraging habitat for existing active nests, adjacent to other conserved lands.
Letter E – Judith Fuentes		
E-1	The comment states the noise level during construction will affect sensitive receptors at Del Sur Elementary School and asks what will be done.	The noise analysis prepared for the IS/MND identifies nearby noise sensitive receptors including single family residential properties within 0.5 miles of the project site. Del Sur Elementary School is located over 5 miles south of the project site. MM NOI-1 provides construction noise abatement measures for the contractors to adhere to during project construction.
E-2	The comment indicates that the cumulative visual effect of a solar facility is evident in Antelope Valley.	The IS/MND Aesthetics section indicates that the aesthetic of the project would not substantially degrade the character of the surrounding area. Pursuant to the County Code, solar energy facilities are a conditionally allowed use in the A-2 Zone, which shows that the County generally considers them to be a compatible use in the area when appropriately designed and conditioned.

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E-3	The comment asks what study has been done on the heat index created by solar paneling open space?	The energy section (page 3-35 and 3-36) of the IS/MND provides a discussion of the electricity and fossil fuels used in the construction of the proposed project. Appendix A of the IS/MND, Air Quality Technical Report, also discusses the possible impacts of the project on air quality and greenhouse gas emissions. The project will convert sunlight into electrical energy without the use of heat transfer fluid or cooling water. The project would not involve the inefficient use of energy resources and impacts would be less than significant.
E-4	The comment asks how many battery storage units are there in total? What is the procedure when more storage units are requested?	The project description in the IS/MND provides a description of the optional 2-acre battery storage facility. The County DRP would need to process an application if additional battery storage facilities are requested.
E-5	The comment states solar panels should be on houses, buildings and parking lots that already cover open space.	The comment is noted. The project entails utility-scale solar farm only.
Letter F – Merrylou Nelson		
F-1	The comment states that LA County has mandated underground connections only. Gen-tie options one and two only should be considered.	The project description in the IS/MND indicates that the power generated by the proposed project would be discharged onto the SCE grid via one of two options: 1) use a shared gen-tie corridor down 110 th Street West that is already undergoing CEQA review with Kern and LA Counties; or 2) “tap” the existing SCE 66-kV line immediately east of the project site, along the eastern shoulder of 90 th Street West. County’s Renewal Energy Ordinance, 22.140.510.E.6 (Utility-Scale Solar Energy Facilities) requires that “[o]n-site and off-site transmission lines shall be placed underground to the satisfaction of the Department (of Regional Planning) and Public Works, except where above-ground crossings are otherwise required...” If it is determined that overhead connections are required, it will be to the satisfaction of both departments and in compliance with any applicable requirements and review process.
F-2	The comment indicates the Landscape Plan should introduce the requirement for DPW to be responsible for monitoring the installation and maintenance of the landscaping. The commenter	The IS/MND states that outside of the security fence, an approximately 10-foot-wide landscaping buffer would be installed along the 90 th Street West and West Avenue A frontages. A Landscape Plan would be prepared and is subject to review and approval by the

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	proposes that slatted fencing be considered to visually screen the inside of the project from view.	County. The landscaping would partially obscure and screen views into the project site from paved, well-travelled, major roads. All shrubs would be manually irrigated three times a week for a 90-day maintenance period or until successfully established. No long-term irrigation infrastructure is proposed; however, the landscaping would be maintained as needed during the life of the project and would be monitored monthly. Suggested slatted fencing will be considered in conditions as much as feasible.
F-3	The comment indicates that all employees should be trained to the requirements of a project specific Dust Control Plan incorporating Valley Fever instructions. Requests if wind speeds exceed 25 mph, all work be suspended until wind recedes.	The IS/MND indicates the proposed project would be required to comply with Antelope Valley Air Quality Management District (AVAQMD) Rule 403, Fugitive Dust, as a standard condition, which requires implementation of a Dust Control Plan (AVAQMD 2005). The Dust Control Plan would include strategies such as minimal grading and ground disturbance, and application of soil stabilizers. The MM AQ-1 is required to ensure that construction workers take the proper precautions to avoid Valley Fever exposure. Implementation of the dust control measures in MM AQ-1 during construction would reduce the impact related to Valley Fever and impacts would be less than significant with mitigation.
F-4	The comment states that due to the number of solar projects in the area, the heat island effect from climate change should be considered.	The energy section of the IS/MND provides a discussion of the electricity and fossil fuels used in the construction of the proposed project. The project would not involve the inefficient use of energy resources and impacts would be less than significant. See response to comments for E-3.
F-5	The comment indicates that the MND should reflect the maximum level of protection for all wildlife and that nesting birds (Swanson's Hawk) be monitored by a third party (CDFW). Concerned that bird nesting habitat requirements will be ignored by sPower.	The IS/MND includes habitat-based mitigation for the loss of foraging habitat for Swainson's hawk, tricolored blackbird, and other special status migratory and resident birds, mitigation lands will be acquired prior to issuance of the building permit. The applicant shall provide proof that the mitigation lands have been acquired to the County of Regional Planning upon request.
F-6	The comment indicates emergency response will need adequate vehicular access be provided during construction and operation. Asked what if the fires were due to defective equipment.	The project would contain one access point along 90 th Street West, with a 24-foot-wide gate. The driveway would provide access for emergency vehicles and for maintenance and operation purposes. There would be two 5,000-gallon water tanks along the driveways,

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		which would be clearly labeled for “Fire Department Use Only.” Network access roads (20 feet wide) would also be provided around the perimeter and throughout the project site in compliance with applicable County Fire Department (LACFD) design requirements.
F-7	The comment asks what is the condition of the on-site water well.	The Estrella Water Study Analysis identified an inactive onsite groundwater well and stated that it is unknown if it would be a reliable source of project water. Based on the lack of local groundwater information and the unknown potential for groundwater production and supply from underlying geologic formation, onsite groundwater was not included in the water supply reliability analysis. The primary source of proposed project water supply would be imported surface water or groundwater from a local water wholesaler, Antelope Valley – East Kern Water Agency (AVEK).
Letter G – Rose Bryan (phone message)		
G-1	The comment asks what the project scale/size is and would it be connected to other projects. Need more information on land acreage, number of panels.	The Estrella project site is 148.8 acres and would consist of PV panels mounted on steel support structures. The supports would be configured with either a fixed-tilt or a pivoting, single-axis tracking system. Fixed-tilt modules would be oriented toward the south and angled at a degree that would optimize solar resource efficiency. Tracking modules would rotate from east to west over the course of the day. The assembled PV panels would have a maximum vertical height of approximately 10 feet, depending on the angle of the tracking system as it changes over the course of each day. The PV panels would consist of polycrystalline silicon or thin film panels, which would be arranged in rows with center-to-center spacing of approximately 10 to 25 feet. The mounting poles for the panels would be approximately 6 inches in diameter, and the modules would be nonreflective and highly absorptive.
G-2	The comment states the project is on the border and Kern County is not concerned about land use.	The IS/MND considers the adjacent land uses in Kern County in the project analysis. The land uses north of the project site in Kern County is designated as Suburban Residential and Light Industrial land uses.

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G-3	The comment asks if there is a process/regulations to protect the land to the south. Concerned that flowers/poppies are being affected.	The IS/MND identified annual grasses and forbs vegetation type within a 500-foot buffer around the solar facility site. This includes fiddleneck (<i>Amsinckia</i> spp.), California poppy (<i>Eschscholzia californica</i>), goldfields (<i>Lasthenia</i> spp.), daisy (<i>Monolopia</i> spp.), tidy tips (<i>Layia</i> spp.), tickseed (<i>Coreopsis</i> spp.), foothill plantain (<i>Plantago erecta</i>), and small fescue (<i>Vulpia microstachys</i>). No sensitive vegetation communities or wildflower reserve areas are within the study area and none would be affected by the proposed solar facility.
Letter H – Acton Town Council		
H-1	The comment indicates MM AQ-1 mitigates dust impacts during construction. The comment asks if dust impacts during project operation are addressed.	The proposed project would comply with AVAQMD rules and air quality control measures including Rule 402 (Nuisance), Rule 403 (Fugitive Dust), Rule 404 (Particulate Matter Concentration), and Rule 1300 (New Source Review).
H-2	The comment asks how much mitigation land will be acquired for this project and where it is located.	Mitigation measure MM BIO-1 has been revised in the Final IS/MND to require a mitigation ratio of 1:1 for functional foraging habitat. Please see response to comment B-1.
H-3	The commenter indicates that the MND assumes that the panels will be washed 0-2 times per year and other solar projects have reported that they wash their panels much more frequently.	The project application states that dependent on annual rainfall, the solar panels will be washed up to 2 times per year.
H-4	The comment asks about the analysis of the cumulative impacts of adding more solar projects in Antelope Valley.	The IS/MND Mandatory Findings of Significance provides a cumulative analysis of the proposed project. The analysis found that potential impacts to aesthetics, agriculture, air quality, biological resources, cultural resources, geology and soils, greenhouse gas emissions, noise, and tribal cultural resources could be reduced to less than significant after mitigation measures are incorporated, when the project was considered in conjunction with cumulative projects. All other issue areas will not result in a significant cumulative impact or require mitigation when the project was considered in conjunction with these cumulative projects. Therefore, the proposed project when combined with any potential future projects in the project vicinity would not result in impacts that are individually limited, but cumulatively considerable. Consequently, impacts would be less than significant with mitigation.

